

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5, 15, 16, 19, 34, 36, 38, and 54 are cancelled, without prejudice or disclaimer.

Claims 1, 17, 18, 20, 21, 33, 35, 42, and 53 are currently amended. Claims are amended to address PTO's rejections. No new matter is introduced.

After amending the claims as set forth above, claims 1, 6, 8-13, 17, 18, 20-24, 26-33, 35, 37, 39-46, and 49-53 are now pending in this application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

REJECTION UNDER U.S.C. § 102

Claims 1, 5, 15 are rejected under 35 U.S.C. § 102(b) as anticipated by Wild *et. al.* (Gene 1998, vol. 223, pages 55-66). Following the Examiner's suggestion, applicants have amended claim 1 to include the limitation of claim 16. Applicants have cancelled claims 5 and 15 without prejudice or disclaimer. Accordingly, applicants believe that the revised version of claims obviates the rejection.

REJECTION UNDER U.S.C. § 112¶1

Claim 54 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description. Claim 54 is cancelled without prejudice or disclaimer.

REJECTION UNDER U.S.C. § 112¶2

Claims 5, 17, 19-21 and 53 are rejected 35 U.S.C. § 112, second paragraph, as indefinite. Applicants believe that the present amendment obviates the rejection.

DOUBLE PATENTING REJECTIONS

Claim 1 is provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as claim 3 of copending Application No. 10/475,962. Claims 5-6, 8-13, 15-24 and 53 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 3, 5-6, 8-11, 13, 15-24 of copending Application No. 10/475,962.

Applicants point out that claims 1-24 have been elected for prosecution on merits in the instant application in response to the restriction requirement of August 14, 2002. In Application No. 10/475,962, the examination on merits has not started yet and no restriction requirement has been issued. Should the elected claims in the instant application be allowed, a different group of invention will be elected for prosecution on merits in Application No. 10/475,962.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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